

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30296-2022
Date of Decision: 09.11.2022

AMARJIT SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Janak Singh Bhinder, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 54 dated 07.03.2022 under Sections 420 and 494 IPC registered at Police Station City Sunam, District Sangrur.

Custody certificate has been placed on record.

Briefly, the allegations against the petitioner are to the effect the petitioner was married with the sister of the complainant, who is suffering from 80% disability. The petitioner has solemnized five more marriages without taking divorce.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the sister of the complainant in the year 2001 and two children have also been born from the wedlock. The present FIR has been registered on account of matrimonial dispute. The petitioner has allegedly solemnized marriage in the year 2014, but there is lack of sufficient and reliable material to indicate that the marriage was solemnized in accordance with law. The complainant has only submitted the photographs depicting the alleged marriage ceremony which are also not correct. Moreover, the petitioner is in custody for a period of 05 months and

11 days, investigation of the case is complete and challan has been presented. He further contends that an application under Section 125 Cr.P.C. for enforcement of claim on behalf of the wife and children of the petitioner has also been instituted against him.

Learned State counsel has opposed the bail application only on the score that there are serious allegations levelled against the petitioner.

It may be mentioned here that the offences are triable by the Court of Judicial Magistrate 1st Class. Furthermore, the offence under Section 494 IPC is non-cognizable. It will remain a debatable and moot point during the course of trial as to whether the offence under Section 420 IPC is made out or not. The matrimonial dispute is stated to be the reason for registration of the present FIR. The petitioner is in custody for a period of 05 months and 11 days. The investigation of the case is complete, challan has been presented and no other case except a complaint case has been registered against the petitioner. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

09.11.2022

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No